

RESOLUTION 08-04

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**
3 **EXEMPTION, ADOPTING THE *MDAQMD FEDERAL 8-HOUR OZONE ATTAINMENT PLAN***
4 **(*WESTERN MOJAVE DESERT NON-ATTAINMENT AREA*) AND DIRECTING STAFF**
5 **ACTIONS.**

6 On June 9, 2008, on motion by Member RIORDAN, seconded by Member VALENTINE, and
7 carried, the following resolution is adopted:

8 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has authority
9 pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or
10 repeal rules and regulations, and

11 **WHEREAS**, the MDAQMD was designated nonattainment and classified severe-17 (portions of
12 the MDAQMD outside the Southeast Desert Modified Air Quality Management Area (AQMA) are
13 designated unclassified/attainment) for ozone under the then effective federal one-hour ozone standard;
14 and

15 **WHEREAS**, the MDAQMD has adopted State and federal attainment plans for the region within
16 its jurisdiction for the one-hour ozone standard; and

17 **WHEREAS**, the most recent such plan that was submitted to United States Environmental
18 Protection Agency (USEPA) is the *MDAQMD 2004 Ozone Attainment Plan (State and Federal)* adopted
19 in 2004; and

20 **WHEREAS**, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-
21 hour basis to an eight hour basis (8-hour ozone standard); and

22 **WHEREAS**, the USEPA designated the Western Mojave Desert non-attainment area as non-
23 attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the
24 provisions of the FCAA; and

25 **WHEREAS**, a portion of the MDAQMD is included in the Western Mojave Desert non-
26 attainment area; and

27 **WHEREAS**, The MDAQMD has prepared the *MDAQMD Federal 8-Hour Ozone Attainment*
28 *Plan (Western Mojave Desert Non-attainment Area)* to satisfy the planning requirements under the new 8-
hour ozone standard; and

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1 **WHEREAS**, this plan when adopted will supercede and update all previously submitted federal
2 ozone plans; and

3 **WHEREAS**, the proposed adoption of the plan is necessary because this document includes the
4 latest planning assumptions regarding population, vehicle activity and industrial activity; addresses all
5 existing and forecast ozone precursor-producing activities within the jurisdiction of the MDAQMD
6 through the year 2020; and, includes all necessary information to allow general and transportation
7 conformity findings to be made within the jurisdiction of the MDAQMD; and

8 **WHEREAS**, the MDAQMD has the authority pursuant to H & S Code §40702 to do such acts as
9 may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by
10 this division and other statutory provisions; and

11 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
12 persons impacted by the Plan; and

13 **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory
14 to existing statutes, court decisions, or State or federal regulations because this plan: (1) demonstrates that
15 the MDAQMD will meet the primary required federal ozone planning milestones, attainment of the 8-
16 hour ozone NAAQS by June 2021; (2) presents the progress the MDAQMD will make towards meeting
17 all required ozone planning milestones; and (3) discusses the newest 0.075 part per million 8-hour ozone
18 NAAQS, preparatory to an expected non-attainment designation for the new NAAQS. This document
19 satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding
20 implementation plans, non-attainment plan provisions, planning procedures, and ozone plan submissions
21 and requirements for the 8-hour NAAQS; and

22 **WHEREAS**, the proposed adoption does not impose the same requirements as any existing State
23 or federal regulation because USEPA has revoked the one-hour standard which was the basis for all
24 previous ozone plans and the proposed plan is being promulgated in response to the new eight-hour ozone
25 standard. As a result, this document replaces the obsolete one-hour plan; and

26 **WHEREAS**, the proposed adoption is needed because this document includes the latest planning
27 assumptions regarding population, vehicle activity and industrial activity; addresses all existing and
28 forecast ozone precursor-producing activities within the jurisdiction of the MDAQMD through the year

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2020; and, includes all necessary information to allow general and transportation conformity findings to be made within the jurisdiction of the MDAQMD; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H & S Code §40725, concerning the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*, and the MDAQMD Board having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Board has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)* is necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*; and

BE IT FURTHER RESOLVED, that the Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*, as set forth in the attachments to this resolution and incorporated herein by this reference; and

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1 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
2 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
3 of CEQA.

4 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Mojave Desert Air Quality
5 Management District by the following vote:

6 AYES: 10 MEMBER: **SAGONA, CURRAN, CRAIN, GLASPER, VALENTINE,**
7 **RIORDAN, PACK, BERNAL, ROTHSCHILD, WILSON**

8 NOES: MEMBER:

9 ABSENT: 4 MEMBER: **BIANE, HANSBERGER, LEONE, MITZELFELT**

10 ABSTAIN: MEMBER:

11 STATE OF CALIFORNIA)

12 COUNTY OF SAN BERNARDINO)

SS:

14 I, Michele Baird, Clerk of the Governing Board of the Mojave Desert Air Quality Management
15 District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the
16 same appears in the Official Minutes of said Governing Board at its meeting of June 9, 2008.

17 
18 Clerk of the Governing Board,
Mojave Desert Air Quality Management District.